

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 2, 2004

IN RE:)	
)	
PETITION FOR APPROVAL OF THE)	DOCKET NO.
AMENDMENT TO THE INTERCONNECTION)	04-00016
AGREEMENT BETWEEN CITIZENS)	
TELECOMMUNICATIONS COMPANY OF)	
TENNESSEE L.L.C. D/B/A FRONTIER)	
COMMUNICATIONS OF TENNESSEE, LLC)	
AND US LEC OF TENNESSEE, INC.)	

**ORDER APPROVING
FIRST AMENDMENT TO THE INTERCONNECTION AGREEMENT**

This matter came before Director Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 22, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the first amendment to the interconnection agreement negotiated between Citizens Telecommunications Company of Tennessee L.L.C. d/b/a Frontier Communications of Tennessee, LLC and US LEC of Tennessee, Inc.

The original interconnection agreement between these parties was filed on November 24, 1998, and was assigned Docket No. 98-00824.¹ It was approved at a regularly scheduled

¹ The *Order Approving Interconnection Agreement* listed only Citizens Telecommunications Company of Tennessee L L C ("Citizens") in the style. It did not reflect the company's assumed name of Frontier Communications of Tennessee, LLC ("Frontier"); however, Citizens received qualification from the Secretary of State's Office on April 17, 1996, to operate in the State of Tennessee under the assumed name of Frontier.

Authority Conference on January 19, 1999. The first amendment, which is the subject of this docket, was filed on January 20, 2004.

Based upon a review of the first amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of Citizens Telecommunications Company of Tennessee L.L.C. d/b/a Frontier Communications of Tennessee, LLC.

3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

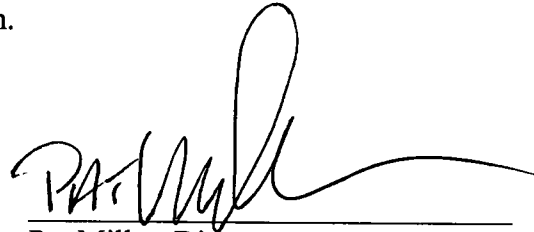
5) No person or entity has sought to intervene in this docket.

6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

² See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the first amendment to the interconnection agreement negotiated between Citizens Telecommunications Company of Tennessee L.L.C. d/b/a Frontier Communications of Tennessee, LLC and US LEC of Tennessee, Inc. is approved and is subject to the review of the Authority as provided herein.


Pat Miller, Director
Sara Kyle, Director
Ron Jones, Director